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*Attorneys for Defendants ReconTrust Company,
N.A.; Mortgage Electronic Registration Systems,
Inc.; Bank of America, N.A.; The Bank of New
York Mellon as Trustee for the Certificate
Holders of Alternative Loan Trust, Series 2003-
7T1 Mortgage Pass-Through Certificates, Series
2003-17; BAC Home Loans Servicing, L.P.; and
BAC GP, LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

<p>MARTIN EVANS and KATHLEEN EVANS,</p> <p>Plaintiffs,</p> <p>v.</p> <p>RECONTRUST COMPANY, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; BANK OF AMERICA; THE BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF ALTERNATIVE LOAN TRUST SERIES 2003-7T1 MORTGAGE PASS- THROUGH CERTIFICATES, SERIES 2003-17 BY BAC HOME LOANS SERVICING, L.P. fka COUNTRYWIDE HOME LOANS SERVICING, L.P. BY BAC GP, LLC ITS GENERAL PARTNER AS AIF, WALLSBURG LAND HOLDING COMPANY, LLC; US BANK; AND DOES 1-10,</p> <p>Defendants.</p>	<p>DEFENDANTS' MOTION TO DISMISS</p> <p>Case No. 2:11-cv-00547-SA Magistrate Judge: Samuel Alba</p>
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MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendants, ReconTrust Company, N.A. (“**ReconTrust**”), Mortgage Electronic Registration Systems, Inc. (“**MERS**”), Bank of America, N.A. (“**BANA**”), and The Bank of New York Mellon as trustee for the certificate holders of Alternative Loan Trust Series 203-7T1 Mortgage Pass-Through Certificates, Series 2003-17 (“**BNYM**”) (collectively, “**defendants**”)¹ file this motion to dismiss plaintiffs’ amended complaint. Plaintiffs fail to state a claim against defendants as a matter of law. The basis for defendants’ motion is more fully set forth in the memorandum of law filed concurrently with this motion.

DATED this 21st day of June, 2011.

VANCOTT BAGLEY CORNWALL & McCARTHY

By: /s/ Chandler P. Thompson

Chandler P. Thompson

Robert H. Scott

*Attorneys for Defendants ReconTrust Company, N.A.;
Mortgage Electronic Registration Systems, Inc.; Bank
of America, N.A.; and The Bank of New York Mellon
as Trustee for the Certificate Holders of Alternative
Loan Trust, Series 2003-7T1 Mortgage Pass-Through
Certificates, Series 2003-17*

¹ It is unclear from plaintiffs’ complaint whether they intended to also sue BAC Home Loans Servicing, L.P. (“**BAC**”) and BAC GP, LLC, both of whom are named in the caption but not referenced in the complaint. To the extent these entities were intended to be named as defendants, this motion to dismiss is also filed on behalf of BAC and BAC GP, LLC.

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2011, I caused to be served a copy of the foregoing **MOTION TO DISMISS** on the following counsel of record in the manner indicated below at the following address:

Randy B. Birch, Esq.
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Attorney for Plaintiffs

- ☐ by **E-mail**
- ☒ by **CM/ECF**
- ☐ by **Facsimile Transmission**
- ☐ by **First Class Mail**
- ☐ by **Hand Delivery**

/s/ Chandler P. Thompson